

U.S. Patent App. No. 10/646,402, filed August 22, 2003
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REMARKS/ARGUMENTS

I. STATUS OF THE PENDING CLAIMS

Upon entry of this amendment, claims 1-25 are pending in the application, all rejected. Claims 1, 17 and 25 are amended to more particularly point out the claimed subject matter. Claims 1-25 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,602,757 to Haseley et al. ("Haseley") in view of U.S. Patent No. 6,330,525 to Hays et al. ("Hays").

Applicants respectfully traverse the rejections and request reconsideration of pending claims 1-25.

II. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-25 stand rejected under 35 USC §103(a) as allegedly unpatentable over Haseley in view of Hays. Applicants respectfully submit that these rejections are traversed on the basis of the following arguments.

A rejection under 35 U.S.C. § 103(a) requires the establishment of a *prima facie* case that the claimed subject matter, including all claim elements, would have been obvious to a person having ordinary skill in the art on the basis of either a single prior art reference or more than one reference properly combined. As no such *prima facie* case has been established for these claims, Applicants respectfully traverse these rejections, as set forth more fully below.

Applicants have amended claims 1, 17 and 25 to more particularly point out that the automation component selects for measurement certain movements/parameters of the machine from a plurality of *different types* of machine movement to generate an electronic fingerprint representative of a condition of the machine. Neither Haseley nor Hays, alone or in combination, teaches or suggests at least this limitation.

Haseley apparently relates to a frequency vibration monitoring system having a plurality of sensors installed on the device to be monitored in known, predetermined locations. As described, these sensors purportedly convert the mechanical vibration of a machine element into a corresponding electrical signal that is sent to a monitoring system for processing. Whereas the invention, as claimed, *selects* certain movements/parameters

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for measurement from a plurality of *different types* of machine movements, nothing in Haseley discloses the consideration of *different types* of machine movements in generating vibration data.

In fact, the Office Action concedes that Haseley does not teach or suggest this limitation but incorrectly cites Hays as providing the necessary disclosure. Hays does not, and indeed can not, disclose the selecting of movements/parameters for measurement from a plurality of *different types* of machine movement because Hays apparently relates only to a single type of movement, e.g., rotational movement of a pump. Therefore, one skilled in the art could not possibly arrive at the present invention, as claimed, by combining the disclosures of Haseley and Hays. Moreover, the previous Office Action did not cite Hays as disclosing the selecting of movements/parameters for measurement that are representative of a condition of the machine. Therefore, it is improper to now raise Hays as disclosing the selecting of movements/parameters for measurement from a plurality of *different types* of machine movements.

As stated above, the Office Action concedes that Haseley does not disclose an automation component that selects a set of movements/parameters for measurement to reveal an electronic fingerprint representative of the condition of a machine. Similarly, Hays can not possibly teach or suggest the selecting of movements/parameters from a plurality of *different types* of machine movement on the ground that it describes only a single type of movement. Applicants therefore submit that claims 1-25 are patentable over the combination of Haseley and Hays and are in condition for allowance.

CONCLUSION

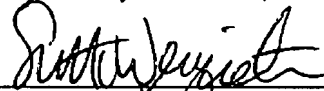
Claims 1-25 are pending in the application. Applicants submit that all of these pending claims, for the reasons set forth above, recite patentable subject matter and are in condition for allowance. Reconsideration and allowance are therefore respectfully requested.

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The Commissioner is authorized to charge the fee for a one-month extension of time, as well as any additional required fee, to Deposit Account No. 23-1703.

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Respectfully submitted,



Scott T. Weingaertner
Reg. No. 37,756

Customer No. 007470
White & Case LLP
Direct Line: (212) 819-8404